

### **REMARKS/ARGUMENTS**

These remarks are made in response to the Office Action of May 28, 2008 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

#### **Double Patenting**

Claims 1, 8, 16, 19, 26, 29, and 35 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claims 1 and 8 of co-pending Application No. 10/666,464. Claims 1, 4, 6-8, 11-19, 24-26, and 29-35 were rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claims 1-2, 4, 10, 13-14, 16-17, 1-21, and 32 of U.S. Patent 7,284,156.

Terminal disclaimers are submitted herewith to obviate the double patenting rejections.

In view of the above, Applicants respectfully request that the double patenting rejections be withdrawn.

#### **Claims Rejections – 35 USC § 101**

Claims 16-18 and 34-35 were rejected because it was asserted in the Office Action that the claimed invention is directed to non-statutory subject matter.

Claims 16-18 and 34-35 have been cancelled.

#### **Claims Rejections – 35 USC § 103**

Claims 1-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,122,664 to Boukobza, *et al.* (hereinafter Boukobza) in view of Non-Patent

Literature, "A Mobile-Agent-Based PC Grid", Autonomic Computing Workshop, June 2003 to Fukuda, *et al.* (hereinafter Fukuda).

Applicants respectfully disagree with the rejections and thus have not amended the claims. Applicants have cancelled Claims 16-35. However, Applicants are not conceding that the cancelled claims fail to present patentable subject. The cancellation is solely for the purpose of expediting prosecution. Accordingly, the cancellations should not be interpreted as the surrender of any subject matter, and Applicants expressly reserve the right to present the original version of any of the cancelled claims in any future divisional or continuation applications from the present application.

**The Claims Define Over The Prior Art**

It was stated in the penultimate paragraph on page 5 of the Office Action that Boukobza does not disclose moving the host from the grid to another grid within the grid environment and responsively moving the ghost agent in accordance with movement of the host. However, it was asserted in the paragraph bridging pages 5 and 6 of the Office Action that Fukuda teaches moving the host from the grid to another grid within the grid environment (page 1, col. 1, lines 6-10; page 2, col. 1, lines 30-32) and in response to the moving of the host, moving the ghost agent from the grid to the another grid (page 2, col. 1, lines 7-12).

Fukuda discloses a mobile-agent-based middleware in which each mobile agent represent a client user, carries his/her job requests, searches for resources available for the request, executes the job at suitable computers, and migrates the job to other available machines when the current ones have become unavailable for use (page 1, col. 1, lines 6-10; page 2, col. 1, lines 30-32). It is not clear if the Examiner compared the mobile agent of Fukuda with the host or the ghost agent of the present invention. It is noted that an important concept of the present invention does not lie in the mobility of the host or the

ghost agent, but rather lies in the one-to-one relationship between a host and its associated ghost agent. In other words, the ghost agent follows the associated host wherever the host moves to, like a "ghost". In Fukuda, the mobile agent moves to any place where there is resources available and does not move with its host (the client user that the mobile agent represents).

Page 2, col. 1, lines 7-12 of Fukuda describes that the migration features are encapsulated in a Java user program wrapper between the agent and the corresponding user program and the wrapper will capture the state and all messages to the user program and will be carried by the agent upon job migration. It is not clear how this passage discloses in response to the moving of the host, moving the ghost agent from the grid to the another grid. All this passage discloses is that the mobile agent carries the state and all messages to the user program that the mobile agent represents when the mobile agent migrates. Again, Fukuda does not disclose in this passage the one-to-one relationship between a host and its associated ghost agent as in the present invention.

Accordingly, the cited references, alone or in combination, fail to disclose or suggest each and every element of Claim 1. Applicants therefore respectfully submit that Claim 1 defines over the prior art. Furthermore, as each of the remaining claims depends from Claim 1 while reciting additional features, Applicants further respectfully submit that the remaining claims likewise define over the prior art.

Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 103 be withdrawn.

### **CONCLUSION**

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the

Appln No. 10/666,307  
Amendment dated July 9, 2008  
Reply to Office Action of May 28, 2008  
Docket No. BOC9-2003-0025 (394)

Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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Date: July 9, 2008

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